



07-27-09

1654

PATENT

ATTORNEY DOCKET NO. 119P/PCT2/US

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

## CERTIFICATE OF MAILING

I hereby certify under 37 C.F.R. 1.10 that this correspondence is being deposited with the United States Postal Service as Express Mail Label No. EM 264183219 US with sufficient postage on the date indicated below and in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

[ X ] If checked, two copies of this correspondence are enclosed.

Date of Deposit:

7/24/2009

Signature

*Alan F. Freney*  
ALAN F. FRENEY, ESQ

Printed name of person mailing correspondence

Applicant: DONG, Zheng Xin

Art Unit: 1654

Serial No.: 10/554,240

Examiner: KOSAR, Andrew D.

Filed: April 24, 2004

Title: SOMATOSTATIN VECTORS

**THIRD SUPPLEMENTAL INFORMATION DISCLOSURE STATEMENT AND AUTHORIZATION TO CHARGE DEPOSIT ACCOUNT**

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

This Information Disclosure Statement is submitted:

[ ] under 37 CFR 1.129(a), or

(First/Second submission after Final Rejection)

[ ] under 37 CFR 1.97(b), or

(Whichever occurs last of the following: within three months of filing national application; within three months of date of entry of the national stage in international application; before the mailing date of first office action on the merits; or before the mailing of a first Office action after the filing of a request for continued examination)

[ X ] under 37 CFR 1.97(c) together with either:

[ X ] a Statement under 37 CFR 1.97(e), as checked below, or

[ ] a \$180.00 fee under 37 CFR 1.17(p), or

(After the 37 CFR 1.97(b) time period, but before final action or notice of allowance, whichever occurs first)

[ ] under 37 CFR 1.97(d) together with:

[ ] a Statement under 37 CFR 1.97(e), as checked below, and

[ ] a Petition under 37 CFR 1.97(d)(2), and

[ ] a \$130.00 petition fee set forth in 37 CFR 1.17(i).

(Filed after final action or notice of allowance, whichever occurs first, but before payment of the issue fee)

[ ] Applicant requests that the attached IDS and cited reference(s) [ ] be placed in the application filewrapper.

(Filed after payment of issue fee)

[ X ] All of the listed references were cited in a European Search Report in a counterpart European application or cited in a communication from a foreign patent office in a counterpart foreign application.

- ☒ **Enclosed herewith is form PTO/1449 (1 page; reproduced form), with a copy of each reference noted thereon.**
- ☐ Enclosed herewith is form PTO/1449 (1 page; reproduced form), with a copy of selected references noted thereon. As per the change to 37 CFR 1.98(a)(2) published in the September 21, 2004 Federal Register and effective as of October 21, 2004, in which the requirement for a copy of each U.S. Patent or U.S. Patent application publication listed in an IDS has been eliminated regardless of the filing date of the application (unless required by the Office), copies of any United States Patent or Patent Publications are not enclosed.
- ☐ Copies of the reference(s) noted on the enclosed form PTO/1449 (N pages, reproduced form) were previously cited by or submitted to the Patent and Trademark Office in connection with U.S. Application Serial No. [], from which the present application claims benefit under 35 U.S.C. § 120 (37 C.F.R. 1.98(d)). Applicants request that copies of art in U.S. Application Serial No. [] cited on the enclosed PTO/1449 form be transferred to the present U.S. Application Serial No. [].

Concise Explanation Requirement (non-English references):

- ☐ The "concise explanation" requirement for reference(s) [ BA ] under 37 CFR 1.98(a)(3) is satisfied by:
- ☐ the explanation provided on the attached sheet.
  - ☐ the explanation provided in the Specification.
  - ☐ submission of the enclosed International Search Report.
  - ☐ the enclosed English language document.

It is requested that the information disclosed herein be made of record in this application, and that the references listed on the enclosed form PTO/SB/08B appear under the "References Cited" heading of any Patent which issues from this application, (MPEP 1302.12).

Statement Under 37 CFR 1.97(e):

- ☒ **Each item of information contained in this Information Disclosure Statement was cited in a communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of this Information Disclosure Statement; or**
- ☐ No item of information contained in this Information Disclosure Statement was cited in a communication from a foreign patent office in a counterpart foreign application, and, to the knowledge of the undersigned, after making reasonable inquiry, no item of information contained in the information disclosure statement was known to any individual designated in 37 CFR 1.56(c) more than three months prior to the filing of this Information Disclosure Statement.

Method of payment:

- ☐ A check for the fee noted above is enclosed, or the fee has been included in the check with the accompanying Reply.
- ☒ No fee is believed to be due for this submission. However Applicant(s) hereby authorize the Commissioner to charge any fees that may be deemed to be due or to credit any overpayment to Deposit Account No. 50-0590. Two copies of this Statement are enclosed.
- ☒ The Commissioner is hereby authorized to charge any deficiency in fees and credit any overpayment to Deposit Account 50-0590. Two copies of this Statement are enclosed.

Respectfully submitted,

BIOMEASURE, INCORPORATED

By Pamela C Ball

Pamela C. Ball, Agent for Applicant(s)  
Registration No.: 53,963

Dated: 7-24-09  
27 Maple Street  
Milford, Massachusetts 01757  
Phone: (508)478-0144  
Facsimile: (508) 473-3531



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

CERTIFICATE OF MAILING

I hereby certify under 37 C.F.R. 1.10 that this correspondence is being deposited with the United States Postal Service as Express Mail Label No. EM 264183219 US with sufficient postage on the date indicated below and in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

[ X ] If checked, two copies of this correspondence are enclosed.

Date of Deposit:

7/24/2009

Signature

Alan F. Fierney  
ALAN F. FIERNEY, ESQ

Printed name of person mailing correspondence

Applicant: DONG, Zheng Xin

Art Unit: 1654

Serial No.: 10/554,240

Examiner: KOSAR, Andrew D.

Filed: April 24, 2004

Title: SOMATOSTATIN VECTORS

**THIRD SUPPLEMENTAL INFORMATION DISCLOSURE STATEMENT AND AUTHORIZATION TO CHARGE DEPOSIT ACCOUNT**

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

This Information Disclosure Statement is submitted:

[ ] under 37 CFR 1.129(a), or  
(First/Second submission after Final Rejection)

[ ] under 37 CFR 1.97(b), or  
(Whichever occurs last of the following: within three months of filing national application; within three months of date of entry of the national stage in international application; before the mailing date of first office action on the merits; or before the mailing of a first Office action after the filing of a request for continued examination)

[ X ] under 37 CFR 1.97(c) together with either:

[ X ] a Statement under 37 CFR 1.97(e), as checked below, or

[ ] a \$180.00 fee under 37 CFR 1.17(p), or  
(After the 37 CFR 1.97(b) time period, but before final action or notice of allowance, whichever occurs first)

[ ] under 37 CFR 1.97(d) together with:

[ ] a Statement under 37 CFR 1.97(e), as checked below, and

[ ] a Petition under 37 CFR 1.97(d)(2), and

[ ] a \$130.00 petition fee set forth in 37 CFR 1.17(i).  
(Filed after final action or notice of allowance, whichever occurs first, but before payment of the issue fee)

[ ] Applicant requests that the attached IDS and cited reference(s) [ ] be placed in the application filewrapper.  
(Filed after payment of issue fee)

[ X ] All of the listed references were cited in a European Search Report in a counterpart European application or cited in a communication from a foreign patent office in a counterpart foreign application.

- ☒ **Enclosed herewith is form PTO/1449 (1 page; reproduced form), with a copy of each reference noted thereon.**
- ☐ Enclosed herewith is form PTO/1449 (1 page; reproduced form), with a copy of selected references noted thereon. As per the change to 37 CFR 1.98(a)(2) published in the September 21, 2004 Federal Register and effective as of October 21, 2004, in which the requirement for a copy of each U.S. Patent or U.S. Patent application publication listed in an IDS has been eliminated regardless of the filing date of the application (unless required by the Office), copies of any United States Patent or Patent Publications are not enclosed.
- ☐ Copies of the reference(s) noted on the enclosed form PTO/1449 (N pages, reproduced form) were previously cited by or submitted to the Patent and Trademark Office in connection with U.S. Application Serial No. [], from which the present application claims benefit under 35 U.S.C. § 120 (37 C.F.R. 1.98(d)). Applicants request that copies of art in U.S. Application Serial No. [ ] cited on the enclosed PTO/1449 form be transferred to the present U.S. Application Serial No. [].

Concise Explanation Requirement (non-English references):

- ☐ The "concise explanation" requirement for reference(s) [ BA ] under 37 CFR 1.98(a)(3) is satisfied by:
- ☐ the explanation provided on the attached sheet.
  - ☐ the explanation provided in the Specification.
  - ☐ submission of the enclosed International Search Report.
  - ☐ the enclosed English language document.

It is requested that the information disclosed herein be made of record in this application, and that the references listed on the enclosed form PTO/SB/08B appear under the "References Cited" heading of any Patent which issues from this application, (MPEP 1302.12).

Statement Under 37 CFR 1.97(e):

- ☒ **Each item of information contained in this Information Disclosure Statement was cited in a communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of this Information Disclosure Statement; or**
- ☐ No item of information contained in this Information Disclosure Statement was cited in a communication from a foreign patent office in a counterpart foreign application, and, to the knowledge of the undersigned, after making reasonable inquiry, no item of information contained in the information disclosure statement was known to any individual designated in 37 CFR 1.56(c) more than three months prior to the filing of this Information Disclosure Statement.

Method of payment:

- ☐ A check for the fee noted above is enclosed, or the fee has been included in the check with the accompanying Reply.
- ☒ No fee is believed to be due for this submission. However Applicant(s) hereby authorize the Commissioner to charge any fees that may be deemed to be due or to credit any overpayment to Deposit Account No. 50-0590. Two copies of this Statement are enclosed.
- ☒ The Commissioner is hereby authorized to charge any deficiency in fees and credit any overpayment to Deposit Account 50-0590. Two copies of this Statement are enclosed.

Respectfully submitted,

BIOMEASURE, INCORPORATED

By Pamela C. Ball

Pamela C. Ball, Agent for Applicant(s)  
Registration No.: 53,963

Dated: 7-24-09  
27 Maple Street  
Milford, Massachusetts 01757  
Phone: (508)478-0144  
Facsimile: (508) 473-3531